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## Court rules Stingray use without a warrant violates Fourth Amendment



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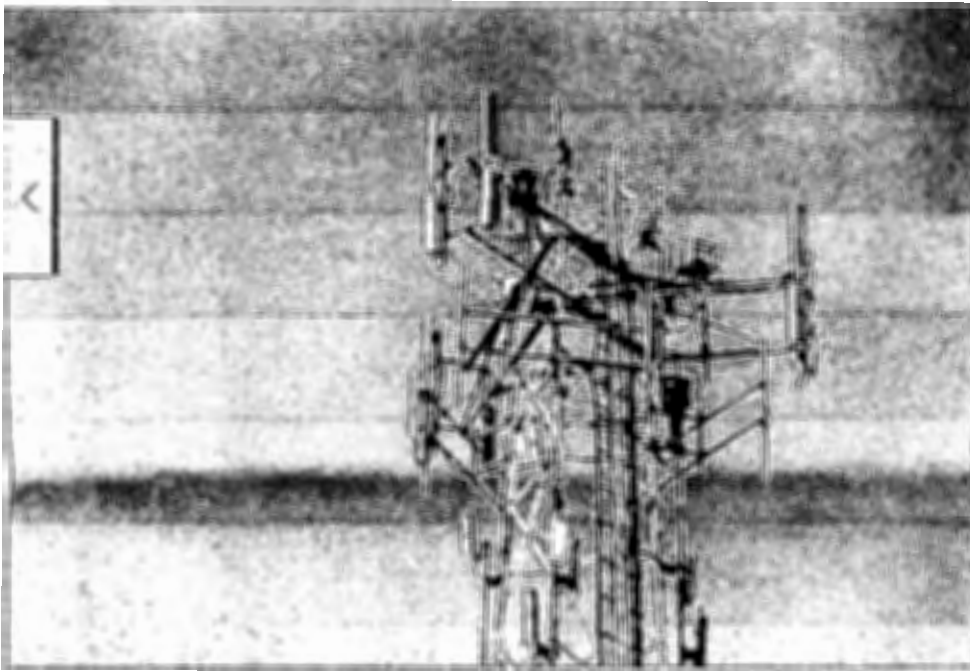
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Today, the Washington DC Court of Appeals overturned a Superior Court conviction of a man who was located by police using a cell-site simulator, or Stingray, *CBS News* reports. The court ruled that the defendant's Fourth Amendment rights were violated when law enforcement tracked down the suspect using his own cell phone without a warrant.

Stingrays work by pretending to be a cell tower and once they're brought close enough to a particular phone, that phone pings a signal off of them. The Stingray then grabs onto that signal and allows whoever's using it to locate the phone in question. These sorts of devices are used by a number of different agencies including the FBI, ICE, the IRS as well as police officers.

The use of cell-site simulators, especially without a warrant, has come under question a few times in recent years. In 2016, a federal judge suppressed DEA evidence obtained via such a device, the first time a federal judge had done so. Last year, members of Congress called for legislation that would protect citizens' privacy and require a warrant before Stingrays could be used by law enforcement. Two such bills were introduced in the House of Representatives earlier this year.



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In the ruling, the judges said, "We thus conclude that under ordinary circumstances, the use of a cell-site simulator to locate a person through his or her cellphone invades the person's actual, legitimate, and reasonable expectation of privacy in his or her location information and is a search." They also said, "We agree with [the defendant] that the government violated the Fourth Amendment when it deployed the cell-site simulator against him without first obtaining a warrant based on probable cause."

The ruling could affect ongoing and future cases as well as law enforcement's use of the technology.

DC Courts

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